IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. W 3043 OF 2004
IN
WRIT PETITION **NO.1481 OF 2004**

Ms Sunita Dattatraya Sarvade, .. Applicant
Vs
1. The Secretary,
Shri Sangameshwar Education
Society, ... and ors. .. Respondents

Shri S.G.Kudle, for the applicant.
Shri M.R.Katikar, for respondent nos 1 and 2.
Mr R.G.Ketkar, for respondent no.3.
Mr R.M.Patne, AGP for respondent no.4.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : APRIL 13, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This Court, by an order dated April 27, 2004, granted an interim order that "Adjourned to July 12, 2004. Till then, services of the petitioner will not be terminated." However, Rule was granted by this Court on 27th July, 2004 and the interim order was confirmed. As a result of confirmation of the interim order, the applicant is working as a Lecturer in a subject of Political Science. The said college is being run by respondent no.1. Now, the grievance is being made that the pay and salary of the

applicant is being not paid on regular basis. The grievance of the applicant is that the applicant is rendering services of full time lecturer and is taking 18 lectures in a week, however, the payment is being made on clock hour basis. The learned counsel for the Management also states that the payment is drawn on clock hour basis. The learned Addl.Government Pleader also makes a statement that till 27.7.2004 the payment was being made on clock hour basis but thereafter the regular payment is drawn and paid. The other grievance is in respect of qualification of the applicant, viz the applicant is not possessed NET/SET qualification. But, now it is an admitted position that the applicant has acquired NET/SET qualification in 2001 and, therefore, the applicant is a qualified candidate for the post of Lecturer in Political Science. The only point remains for consideration is about reservation which will be considered at the stage of final hearing.

2. Under these circumstances, the learned Addl.Government Pleader makes a statement that since the salary grant is paid by the Government, the Government will pay salary as per the regular teacher’s salary to the applicant. A statement is

further made that if there are arrears to be paid to the applicant from the date of the interim order issued by this Court, those arrears, if any, will also be paid. Such a statement is being made by the learned AGP on instructions from Mr Arjun Patil, who is an Administrative Officer, Higher Education, Kolhapur. In view of this, we direct that the pay and salary of the applicant be drawn in accordance with regular teacher's salary. If there are arrears of the salary from the date of the interim order, those arrears, if any, shall be cleared within a period of eight weeks from today.

3. We make it clear that this is an interim arrangement brought out in view of the interim relief granted by this Court on 27.7.2004. As a result of this interim order, no right is created in favour of the applicant and the right of the applicant to remain in service will be subject to the outcome of the main petition. This civil application is disposed of.

. An authenticated copy of this order may be made available to the parties.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

/rrt/db-05/db-13405/caw3043-04